IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 20369 of 2004(Y)

PETITIONERS:

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1. **K.P.GOPI, KAIPULLI HOUSE,**
   HOUSING COLONY, PLOT NO.15, CHALAKUDY P.O.,
   THRISSUR DISTRICT.

2. **N.I.VARGHESE, NJARLALI HOUSE,**
   KAROOR P.O., VIA. CHALAKUDY, THRISSUR DISTRICT.

3. **T.S.RADHAKRISHNAN, THACHAYATH HOUSE,**
   MANJAPRA P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.KOSHY GEORGE
SRI.P.I.DAVIS

RESPONDENT:

CHALAKUDY MUNICIPALITY REPRESENTED BY
ITS SECRETARY, MUNICIPAL OFFICE BUILDING,
CHALAKUDY.

BY ADV. SRI.P.SANTHALINGAM, SC
SRI.S.SHARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.20369/2004Y

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1(a),(b),(c),(d),(e),(f): COPIES OF PHOTOGRAPHS SHOWING BUS STAND BUILDING AND THE SEPTIC TANK.

EXT.P2: COPY OF REPRESENTATION SUBMITTED BY THE MERCHANTS' ASSOCIATION DTD. 26/05/04 BEFORE THE RESPONDENT.

EXT.P3: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS AND OTHER SHOP OWNERS DTD. 12/06/04 BEFORE THE RESPONDENT.

EXT.P4(A): COPY OF NEWS ITEM PUBLISHED IN KERALA TIMES DAILY DTD. 26/05/04.

EXT.P4(B): COPY OF NEWS ITEM PUBLISHED IN THE DEEPIKA DAILY DTD. 14/06/04.

/TRUE COPY/

P.S.TO JUDGE

KSS

PIUS C. KURIAKOSE, J.

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W.P.(C)No.20369 OF 2004

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DATED THIS THE 30TH OCTOBER, 2007

J U D G M E N T

This Writ Petition has been filed by two shop-owners occupying the municipal shopping complex, complaining that the latrine in the private bus stand is causing considerable pollution. This Court on being impressed by the averments in the Writ Petition and on perusing the documents placed on record including the photograph, passed an interim order on 5.8.2004 in the following terms:-

> "Prima facie it appears that the Municipality is contributing much to the unhealthy condition, which has been described in the Writ Petition.
>
> Standing Counsel seeks for time for filing a counter affidavit. More than a counter-affidavit, it is expected that the follow-up action, as is essential, is taken so as to abate the nuisance. Post for further orders on 24.8.2004. But in the meanwhile, steps will be taken by the Municipality to see that effective measures are taken to abate the nuisance."

2. A counter affidavit has been filed by the Municipality wherein they have said that there is no other place to which the latrine in question can be shifted. That may be so. But it is the duty of the

Municipality to maintain the latrine in a hygienic condition so that there will not be any complaints of pollution or nuisance from the general public including the petitioners.

I dispose of the Writ Petition confirming the interim order dated 5.8.2004.

(PIUS C.KURIAKOSE, JUDGE)

tgl